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6 TRANSCRIPT OF

7 OKLAHOMA EMPLOYMENT SECURITY

8 COMMISSION HEARING

9 DOCKET NO. 15-001326

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APPEARANCES:

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MELINDA ALIZADEH-FARD, Hearing Officer
PATRIA M. PFAU, Claimant
LAUREN JOHNSTON, Attorney
JENNIFER STRONG, Sodexo District Manager
MARK COULTER, Sodexo General Manager

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24 REPORTED BY: EMILY EAKLE, CSR, RPR, RMR, CRR

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EXHIBIT

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1 INDEX PAGE		
2 3 PATRICIA PFAU TESTIFIES: 4 DIRECT EXAMINATION BY MS. JOHNSTON.....13 5 CROSS-EXAMINATION BY MS. STRONG.....24 6 REDIRECT EXAMINATION BY MS. JOHNSTON....26 7 MARK COULTER TESTIFIES: 8 DIRECT EXAMINATION BY MS. STRONG.....31 9 CROSS-EXAMINATION BY MS. JOHNSTON.....33 10 RECROSS EXAMINATION BY MS. JOHNSTON....42 11 12 REPORTER'S CERTIFICATE.....53 13 14 15 16 17 18 19 20 21 22 23 24 25		<p>1 please.</p> <p>2 OPERATOR: I'll transfer.</p> <p>3 MR. COULTER: Child nutrition, this is</p> <p>4 Mark.</p> <p>5 MS. ALIZADEH-FARD: Mr. Coulter, this</p> <p>6 is the Appeal Tribunal. Are you ready for the</p> <p>7 hearing?</p> <p>8 MR. COULTER: Yes.</p> <p>9 MS. ALIZADEH-FARD: All right. Please</p> <p>10 remain on the line while we connect the other</p> <p>11 individuals registered.</p> <p>12 MS. STRONG: This is Jennifer.</p> <p>13 MS. ALIZADEH-FARD: Ms. Strong, this is</p> <p>14 the Appeal Tribunal. Are you ready for the</p> <p>15 hearing?</p> <p>16 MS. STRONG: Yes, ma'am.</p> <p>17 MS. ALIZADEH-FARD: All right. I</p> <p>18 believe we have everybody on the line now. We</p> <p>19 have the claimant and the representative</p> <p>20 appearing, and we have two individuals appearing</p> <p>21 on behalf of the employer, Sodexo Operations,</p> <p>22 LLC.</p> <p>23 I am Hearing Officer Alizadeh-Fard, and</p> <p>24 I will be conducting the hearing this afternoon.</p> <p>25 This is an administrative hearing on</p>
1 OPERATOR: Leonard & Associates. 2 MS. ALIZADEH-FARD: I would like to 3 speak with Lauren Johnston. 4 OPERATOR: Okay. Can I ask who's 5 calling, please? 6 MS. ALIZADEH-FARD: This is the 7 Oklahoma Employment Security Commission. We're 8 calling for the hearing. 9 OPERATOR: Great. Okay. One moment. 10 MS. ALIZADEH-FARD: Thank you. 11 OPERATOR: You're welcome. 12 MS. JOHNSTON: This is Lauren. 13 MS. ALIZADEH-FARD: Ms. Johnston, this 14 is the Appeal Tribunal. Are you ready for the 15 hearing? 16 MS. JOHNSTON: I am. 17 MS. ALIZADEH-FARD: All right. And you 18 have Ms. Pfau with you? 19 MS. JOHNSTON: Yes. Pfau. 20 MS. ALIZADEH-FARD: Pfau? 21 All right. Please remain on the line 22 while we connect the employer. 23 OPERATOR: Child nutrition, this is 24 Toni. May I help you? 25 MS. ALIZADEH-FARD: Mark Coulter,	Page 3	<p>1 Case No. 15-001326 in which the claimant,</p> <p>2 Ms. Patricia Pfau, has appealed the Commission's</p> <p>3 determination which denied benefits to her based</p> <p>4 on the separation from work.</p> <p>5 Today's hearing is being held by</p> <p>6 telephone on November 18th, 2014, at 3 o'clock</p> <p>7 p.m.</p> <p>8 All testimony is being recorded and</p> <p>9 must be taken under oath or affirmation. We are</p> <p>10 recording at this time.</p> <p>11 Now, Ms. Pfau, would you please state</p> <p>12 your name and your mailing address for the</p> <p>13 record?</p> <p>14 MS. STRONG: Yes, it's Jennifer,</p> <p>15 J-E-N-N-I-F-E-R, Strong, S-T-R-O-N --</p> <p>16 MS. ALIZADEH-FARD: I'm sorry. I was</p> <p>17 saying Ms. Pfau.</p> <p>18 MS. STRONG: I'm so sorry. I</p> <p>19 apologize. I thought you said Strong.</p> <p>20 MS. ALIZADEH-FARD: That's all right.</p> <p>21 Ms. Pfau?</p> <p>22 MS. PFAU: Yes.</p> <p>23 MS. ALIZADEH-FARD: Would you please</p> <p>24 state your name and your mailing address for the</p> <p>25 record?</p>

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<p>1 MS. PFAU: Yes, Patricia Pfau. 16 2 Southwest 170th Street, Oklahoma City, Oklahoma, 3 73170.</p> <p>4 MS. ALIZADEH-FARD: And you are present 5 today with Attorney Lauren Johnston?</p> <p>6 MS. PFAU: Yes.</p> <p>7 MS. ALIZADEH-FARD: And you wish for 8 her to represent you in this matter?</p> <p>9 MS. PFAU: Yes.</p> <p>10 MS. ALIZADEH-FARD: All right. And, 11 Ms. Johnston, would you please state your name 12 and your Oklahoma Bar number.</p> <p>13 MS. JOHNSTON: Lauren Johnston, Bar No. 14 22341.</p> <p>15 MS. ALIZADEH-FARD: 22341?</p> <p>16 MS. JOHNSTON: Yes.</p> <p>17 MS. ALIZADEH-FARD: All right. And, 18 Ms. Johnston, are there any other witnesses 19 present with you?</p> <p>20 MS. JOHNSTON: No.</p> <p>21 MS. ALIZADEH-FARD: And will the person 22 who will be acting as the employer's primary 23 spokesperson please state their name and job 24 title for the record? We have Mr. Coulter and we 25 have Ms. Strong on the line.</p>	<p>1 this time I'm going to administer the oath to the 2 three witnesses that we have present.</p> <p>3 Do you solemnly swear or affirm that 4 the testimony you provide today will be the 5 truth, the whole truth and nothing but the truth?</p> <p>6 Ms. Pfau?</p> <p>7 MS. PFAU: Yes.</p> <p>8 MS. ALIZADEH-FARD: Mr. Coulter?</p> <p>9 MR. COULTER: Yes.</p> <p>10 MS. ALIZADEH-FARD: And Ms. Strong?</p> <p>11 MS. STRONG: Yes.</p> <p>12 MS. ALIZADEH-FARD: All right. Let the 13 record reflect that the witnesses have replied in 14 the affirmative.</p> <p>15 Now, since the Commission denied 16 benefits, the issue on appeal is to determine 17 whether Ms. Pfau voluntarily left her employment 18 with Sodexo for reasons that the Commission 19 should consider as good cause connected with the 20 work.</p> <p>21 In a voluntary separation, the claimant 22 does bear the burden of proof and we will be 23 receiving the testimony from the claimant first.</p> <p>24 Now, both parties will have an 25 opportunity to present testimony, which does</p>
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<p>1 MR. COULTER: I guess that would be me, 2 and my name is Mark Coulter and my address is 3 2716 Creek View Terrace --</p> <p>4 MS. ALIZADEH-FARD: That's not 5 necessary.</p> <p>6 What is your job title, Mr. Coulter?</p> <p>7 MR. COULTER: General manager.</p> <p>8 MS. ALIZADEH-FARD: All right. And the 9 address we have for the employer is Sodexo 10 Operations, LLC, in care of TALX UCM Services, a 11 third-party unemployment administrator?</p> <p>12 MR. COULTER: Yes.</p> <p>13 MS. ALIZADEH-FARD: All right. And you 14 have Ms. Strong present as a witness today?</p> <p>15 MR. COULTER: Correct.</p> <p>16 MS. ALIZADEH-FARD: All right.</p> <p>17 Ms. Strong, would you please state your name and 18 job title for the record?</p> <p>19 MS. STRONG: Yes. My name is Jennifer 20 Strong, and I am district manager.</p> <p>21 MS. ALIZADEH-FARD: All right. And, 22 Ms. Johnston, am I correct that you yourself will 23 not be presenting any testimony on your own?</p> <p>24 MS. JOHNSTON: Correct.</p> <p>25 MS. ALIZADEH-FARD: All right. Then at</p>	<p>1 include the right to call and question your own 2 witnesses, and both parties will be given an 3 opportunity to cross-examine or ask questions of 4 the witnesses presented by the other party.</p> <p>5 I may ask questions at any time during 6 this hearing.</p> <p>7 Do you have any questions for me at 8 this point, Ms. Johnston?</p> <p>9 MS. JOHNSTON: No.</p> <p>10 MS. ALIZADEH-FARD: And, Mr. Coulter, 11 any questions?</p> <p>12 MR. COULTER: No.</p> <p>13 MS. ALIZADEH-FARD: All right. Now, in 14 addition to testimony, before today's hearing a 15 packet was mailed to both parties containing 16 copies of the documents that are currently part 17 of the Commission file.</p> <p>18 That packet contained 26 numbered 19 pages, and the parties may have also received a 20 booklet entitled Information for Appeal Hearings 21 and Decisions.</p> <p>22 Did you receive those materials, 23 Ms. Johnston?</p> <p>24 MS. JOHNSTON: Yes.</p> <p>25 MS. ALIZADEH-FARD: And Mr. Coulter --</p>

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<p>1 MR. COULTER: Yes.</p> <p>2 MS. ALIZADEH-FARD: -- the employer?</p> <p>3 MR. COULTER: Yes.</p> <p>4 MS. ALIZADEH-FARD: At this time, those</p> <p>5 documents are part of the Commission's file, but</p> <p>6 none of them have been admitted into the hearing</p> <p>7 record.</p> <p>8 If a party would like for a document in</p> <p>9 the Commission file to be admitted into the</p> <p>10 hearing record, during your testimony simply ask</p> <p>11 that the document be admitted and describe it so</p> <p>12 that the other party and I can identify it.</p> <p>13 At that time, I will mark it as an</p> <p>14 exhibit, give the other party an opportunity to</p> <p>15 object, and then I will rule on whether it should</p> <p>16 be admitted into the hearing record.</p> <p>17 And when I decide the case, I will only</p> <p>18 be considering documents that have been admitted</p> <p>19 into the hearing record, as well as the testimony</p> <p>20 that's presented.</p> <p>21 Any questions for me at this point,</p> <p>22 Ms. Johnston?</p> <p>23 MS. JOHNSTON: No.</p> <p>24 MS. ALIZADEH-FARD: And, Mr. Coulter,</p> <p>25 any questions?</p>	<p>1 Any objection to these three exhibits</p> <p>2 being admitted into the record, Ms. Johnston?</p> <p>3 MS. JOHNSTON: No.</p> <p>4 MS. ALIZADEH-FARD: And, Mr. Coulter,</p> <p>5 any objections from the employer?</p> <p>6 MR. COULTER: No.</p> <p>7 MS. ALIZADEH-FARD: All right. Then</p> <p>8 they are entered into the hearing record by my</p> <p>9 motion.</p> <p>10 All right. I would like to begin our</p> <p>11 testimony by confirming the dates of employment</p> <p>12 and Ms. Pfau's job title at the time of the</p> <p>13 separation.</p> <p>14 Now, the dates of employment that I</p> <p>15 have are July 30th, 2007, through September 11,</p> <p>16 2014. And at the time of separation, I have a</p> <p>17 job title of administrative assistant.</p> <p>18 Now, Mr. Coulter, is that information</p> <p>19 correct?</p> <p>20 MR. COULTER: Yes.</p> <p>21 MS. ALIZADEH-FARD: And, Ms. Johnston,</p> <p>22 does your client agree?</p> <p>23 MS. JOHNSTON: Yes.</p> <p>24 MS. ALIZADEH-FARD: All right. Then,</p> <p>25 Ms. Johnston, you may begin and present the</p>
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<p>1 MR. COULTER: No.</p> <p>2 MS. ALIZADEH-FARD: All right.</p> <p>3 Now, there are several jurisdictional</p> <p>4 documents that I wish to have admitted into our</p> <p>5 hearing record as Appeal Tribunal exhibits. I'm</p> <p>6 offering these into the record in order to</p> <p>7 establish my authority for holding today's</p> <p>8 hearing.</p> <p>9 What I would like for the parties to</p> <p>10 mark as Appeal Tribunal Exhibit 1 is the Notice</p> <p>11 of Determination that informs both parties that</p> <p>12 benefits have been denied. A copy of that</p> <p>13 document should be on the page numbered as 1 in</p> <p>14 the packet that was sent out.</p> <p>15 Appeal Tribunal Exhibit 2 is the</p> <p>16 document of appeal that was generated when an</p> <p>17 e-mail was received from Ms. Johnston on behalf</p> <p>18 of Ms. Pfau requesting an appeal. So this</p> <p>19 two-page exhibit is found on the pages numbered</p> <p>20 as 2 and 3.</p> <p>21 And then, finally, we have Appeal</p> <p>22 Tribunal Exhibit 3, which is the notice for</p> <p>23 today's telephone hearing informing both parties</p> <p>24 of the date and time of the hearing, as well as</p> <p>25 the legal issues that could be covered.</p>	<p>1 claimant's case.</p> <p>2 PATRICIA PFAU TESTIFIES:</p> <p>3 DIRECT EXAMINATION</p> <p>4 BY MS. JOHNSTON:</p> <p>5 Q. When did Mr. Coulter become your</p> <p>6 supervisor?</p> <p>7 A. He became my supervisor in</p> <p>8 approximately -- I would say around August</p> <p>9 of 2013.</p> <p>10 Q. And during the time that he was your</p> <p>11 supervisor, did you observe any conduct that</p> <p>12 Mr. Coulter (inaudible) that caused you some</p> <p>13 concern?</p> <p>14 A. I was never comfortable with his tone</p> <p>15 of voice that I heard frequently, either on the</p> <p>16 telephone or just with other people.</p> <p>17 Q. Could you describe his tone for us?</p> <p>18 A. Aggressive, loud.</p> <p>19 Q. And were there some -- were there times</p> <p>20 that you brought some of your concerns to</p> <p>21 Mr. Coulter's attention?</p> <p>22 A. Not about his tone, but just about the</p> <p>23 workplace in general, yes.</p> <p>24 Q. Do you recall what some of those</p> <p>25 concerns were?</p>

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<p>1 A. I guess the ones that I am most -- that 2 probably concerned me the most were in May 3 of 2014 we hired a new person to work in the 4 warehouse as a driver. On that same day that 5 he -- that this person was hired, the warehouse 6 supervisor told me that another driver had made a 7 comment regarding the new hire, saying I hope the 8 guy can read because he looks like he's from a 9 Middle Eastern country.</p> <p>10 And I'm very concerned about that. I 11 didn't think that that was an appropriate comment 12 to be made about another employee, especially a 13 new hire that I had just spent the --</p> <p>14 MS. ALIZADEH-FARD: Now, who actually 15 made that comment?</p> <p>16 MS. PFAU: I'm sorry?</p> <p>17 MS. ALIZADEH-FARD: Who actually made 18 the comment?</p> <p>19 MS. PFAU: Another employee.</p> <p>20 MS. ALIZADEH-FARD: Okay. Not 21 Mr. Coulter?</p> <p>22 MS. PFAU: Not Mr. Coulter, no.</p> <p>23 MS. ALIZADEH-FARD: Okay.</p> <p>24 MS. PFAU: I brought it to 25 Mr. Coulter's attention. And his response was,</p>	<p>1 assessment, and (inaudible) failed the 2 assessment, they were not eligible to proceed in 3 the hiring process and they could retry in six 4 months.</p> <p>5 Q. Did you share with Mr. Coulter what 6 your concern was about allowing individuals to 7 retest?</p> <p>8 A. Yes.</p> <p>9 Q. And what was his response to that?</p> <p>10 A. His response was he would take full 11 responsibility.</p> <p>12 Q. Did Mr. Coulter ever have a 13 conversation with you about bending the rules?</p> <p>14 A. He said that he was comfortable doing 15 that particular thing and that I wasn't to worry 16 about it.</p> <p>17 Q. Did he ever tell you that you were too 18 black and white?</p> <p>19 A. Yes, he did.</p> <p>20 Q. In that conversation, what -- can you 21 give me some context for that conversation, what 22 was -- what was happening that he -- that led him 23 to say that to you?</p> <p>24 A. Well, probably the preemployment 25 testing, for one thing. Yes, I am very black and</p>
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<p>1 "So, what do you want me to do about it?"</p> <p>2 And I was very disappointed in that.</p> <p>3 And he -- I just didn't think that was an 4 appropriate comment.</p> <p>5 Q. (By Ms. Johnston) Were there some 6 other issues with the potential hires that you 7 spoke with Mr. Coulter about?</p> <p>8 A. I thought that Mr. Coulter did not like 9 the fact that I hired older people. And I -- I 10 don't know how to respond to that except that I 11 felt that I couldn't make a decision to hire 12 someone based on appearance.</p> <p>13 Q. And did you tell him that?</p> <p>14 A. Yes.</p> <p>15 Q. Was there also a concern that you had 16 regarding the preliminary testing that potential 17 hires have to do?</p> <p>18 A. Yes. I -- last year -- my last school 19 year, I should say, my instructions were that I 20 should give the preemployment assessment 21 repeatedly until people passed. If they failed 22 it the first time, give it to them again.</p> <p>23 Q. And why did that cause you concern?</p> <p>24 A. For one thing, that was the -- the 25 policy that I was aware of is that you gave the</p>	<p>1 white with things like that.</p> <p>2 Q. Okay. So the -- all of this occurred 3 while you were supervised by Mr. Coulter 4 beginning in August 2013 through to the end of 5 your employment, correct?</p> <p>6 A. Yes.</p> <p>7 MS. ALIZADEH-FARD: Now, I thought that 8 you said that first incident that you -- where 9 you overheard someone else speak occurred in May 10 of 2013.</p> <p>11 MS. PFAU: May of 2014.</p> <p>12 MS. ALIZADEH-FARD: Okay. 2014?</p> <p>13 MS. PFAU: Yes, ma'am.</p> <p>14 MS. ALIZADEH-FARD: All right. You may 15 continue.</p> <p>16 Q. (By Ms. Johnston) Prior to your 17 resignation in early September 2014, was there 18 another concern that you had about Mr. Coulter?</p> <p>19 A. Yes. I was concerned that -- we had 20 a -- an employee that had (inaudible) Sodexo for 21 quite some time, an older gentleman, and I felt 22 that he was being more or less forced to leave.</p> <p>23 Because he is older, he is slow moving 24 and I was concerned that he wasn't given much of 25 an opportunity just to do his job, I guess. I --</p>

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<p style="text-align: right;">Page 18</p> <p>1 I felt that -- that he was just asked to do 2 things quicker than he was capable of doing them. 3 Q. And had Mr. Coulter made any specific 4 comments about this employee that alarmed you? 5 A. He did make a comment, whoever hired 6 this employee should be shot, thought that was a 7 little alarming. 8 Q. You submitted your resignation on 9 September 11th of 2014; is that right? 10 A. Yes. 11 Q. Can you tell me what happened that day? 12 A. Yes. I had an -- there was an employee 13 that had not been to work for several days. She 14 called and said she was coming by for a different 15 reason. And -- and I asked Mr. Coulter -- 16 because this employee was not at work that day. 17 And I said, "May I -- can I give her her paycheck 18 when she comes?" Because I felt that she was 19 going to ask for it. 20 It was the day before our normal 21 payday. And that's what -- and when I asked him 22 that, he was outraged and he asked me -- you 23 know, specifically, I'm trying to remember 24 exactly what he said. 25 I believe he said, "When is payday?" I</p>	<p style="text-align: right;">Page 20</p> <p>1 certainly not one directed towards me. 2 Q. Forgive me for asking, but how tall are 3 you? 4 A. I'm five feet tall. 5 Q. And about how tall is Mr. Coulter? 6 A. I don't know. 5'11". I'm not sure. 7 Q. Is it fair to say that Mr. Coulter is 8 physically quite larger than you? 9 A. Yes. 10 Q. Did you -- do you believe that if 11 Mr. Coulter had become physically violent again 12 toward you, that you would be able to defend 13 yourself? 14 A. No. 15 Q. Had you heard him talk aggressively to 16 other women in the workplace? 17 A. Yes. 18 Q. And describe that for me. 19 A. I -- like I said, on the telephone I 20 heard him speak harshly about an employee in 21 Lawton, which is where he worked before he came 22 to us. 23 The very morning of the incident, I 24 also heard him on -- 25 MS. ALIZADEH-FARD: When are -- what</p>
<p style="text-align: right;">Page 19</p> <p>1 said, "It's tomorrow." Then his response was, 2 "Why would you give her her check today?" 3 I said, "Because yesterday you gave 4 another employee their paycheck." And he just 5 was extremely outraged. Said, "You are F'g 6 holding that against me." Jumped up, slammed his 7 fists on the desk and said, "I have got to get 8 out of here." And just rushed past me and 9 actually did leave the building. 10 Q. So when you said F'g, did he say 11 fucking? 12 A. Yeah, he did. 13 Q. And you have mentioned that he had 14 given an employee their paycheck early the day 15 before you had this conversation with him? 16 A. Yes. 17 Q. And is that the reason why you were 18 asking whether or not this other employee that 19 was going to be coming in a day early could have 20 her check? 21 A. Yes. 22 Q. At that time, did you have a fear for 23 your personal safety? 24 A. Yes. I have never had anyone -- I had 25 never seen a violent outburst like that, and</p>	<p style="text-align: right;">Page 21</p> <p>1 incident are you referring to? 2 MS. PFAU: The day I left. 3 MS. ALIZADEH-FARD: Okay. You heard 4 him talking on his cell phone to someone else? 5 MS. PFAU: No. This was earlier. This 6 would be another -- I can't give you a date that 7 -- when I heard him talking on the telephone to 8 someone regarding an employee in Lawton. No, 9 that was -- that was not the date of the 10 incident. 11 MS. ALIZADEH-FARD: All right. And 12 what was -- what did you overhear that caused you 13 concern? 14 MS. PFAU: Just someone that he 15 obviously didn't like, didn't like her, didn't 16 like the things she did, said that she thought he 17 couldn't fire her but that he could. I don't 18 really know. I mean, it was just a loud 19 conversation that I heard from my office. He was 20 in his office. I don't know. 21 MS. ALIZADEH-FARD: When would that 22 have occurred? 23 MS. PFAU: That would have -- that 24 occurred shortly after he started working in the 25 office I was in.</p>

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1 MS. ALIZADEH-FARD: All right.	1 going to be the designated representative, then,
2 Q. (By Ms. Johnston) At the location	2 Mr. Coulter, you will not be asking any questions
3 where you had an office, where you were working	3 and my questions for the employer will be
4 and Mr. Coulter had -- who was the highest	4 directed at Ms. Strong.
5 ranking official at that location?	5 MR. COULTER: Then I guess I
6 A. He was.	6 misunderstood that initial responsibility in the
7 Q. Was there a human resources	7 court's situation.
8 representative that you could go to that was	8 MS. ALIZADEH-FARD: All right.
9 physically at that location?	9 Ms. Strong, will you be acting as the primary
10 A. No.	10 representative then?
11 MS. JOHNSTON: I have no other	11 MS. STRONG: If we could change that,
12 questions.	12 yes, please.
13 MS. ALIZADEH-FARD: Ms. Pfau, you said	13 MS. ALIZADEH-FARD: All right. Then,
14 there was no HR presence locally. Could you have	14 Ms. Strong, do you have any questions for
15 contacted HR?	15 Ms. Pfau?
16 MS. PFAU: Yes.	16 MS. STRONG: I do.
17 MS. ALIZADEH-FARD: Where was HR	17 CROSS-EXAMINATION
18 located?	18 BY MS. STRONG:
19 MS. PFAU: I'm not even sure where that	19 Q. Patty, were you -- are you aware of
20 person is physically located. Not in Oklahoma.	20 Sodexo's (inaudible) and fair treatment?
21 MS. ALIZADEH-FARD: Okay. All right.	21 A. I'm sorry. You broke up a little bit
22 Mr. Coulter, any questions for	22 during that question.
23 Ms. Pfau?	23 Could you repeat it?
24 MR. COULTER: I don't have questions,	24 Q. I'm sorry. I'm sorry.
25 no.	25 Are you aware of Sodexo's promise of
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1 MS. ALIZADEH-FARD: All right. This is	1 respect and fair treatment?
2 cross-examination. It's only questions.	2 A. Yes.
3 MR. COULTER: Yeah.	3 Q. And are you aware of the process to
4 MS. ALIZADEH-FARD: All right.	4 report the concerns, if you have any?
5 Ms. Johnston, any documents that the claimant --	5 A. Yes.
6 you would like to have admitted into the record	6 Q. And at any point, the concerns that you
7 on the claimant's behalf?	7 testified about today regarding Mark Coulter
8 MS. JOHNSTON: No.	8 leading up to the events prior to September 11th,
9 MS. STRONG: This is Jennifer Strong,	9 had you taken any of those concerns and reported
10 am I allowed to ask questions based on her	10 them to his supervisor?
11 testimony?	11 A. No.
12 MS. ALIZADEH-FARD: Well, Mr. Coulter	12 Q. And did you at any point call the 800
13 has been designated as the primary	13 network line to make them aware of the concerns?
14 representative. So he would be the person that	14 A. No.
15 asks questions.	15 Q. And then lastly, did you contact HR at
16 MR. COULTER: Now, if Ms. Strong is the	16 any point prior to that?
17 person who had the initial contact with Ms. Pfau	17 A. The only time I contacted HR was with
18 during the last episode, which is where we're	18 my resignation that I also sent to you.
19 mainly talking --	19 Q. So on September 11th, when you
20 MS. ALIZADEH-FARD: Well, it doesn't	20 submitted your resignation, you submitted that to
21 really matter when the contact is or -- like	21 Mr. Coulter, myself and HR, correct?
22 Ms. Johnston doesn't work there and she's a	22 A. Yes.
23 representative for Ms. Pfau.	23 Q. And so you were aware of how to reach
24 I asked the parties to designate who	24 all of those individuals --
25 the primary representative -- if Ms. Strong is	25 A. Yes.

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<p style="text-align: right;">Page 26</p> <p>1 Q. -- correct?</p> <p>2 Okay. And then there was some</p> <p>3 testimony referencing your -- your size and</p> <p>4 stature in relation to Mr. Coulter's. If you</p> <p>5 would, would you provide some information as far</p> <p>6 as where the placement was within the office</p> <p>7 where Mr. Coulter was located and where you were</p> <p>8 located when this took place?</p> <p>9 A. He was behind his desk. I was in the</p> <p>10 doorway.</p> <p>11 Q. So there was nothing between you and</p> <p>12 being able to exit the office?</p> <p>13 A. At that moment, no.</p> <p>14 MS. STRONG: I have no other questions</p> <p>15 at this time.</p> <p>16 MS. ALIZADEH-FARD: Ms. Johnston, do</p> <p>17 you have additional questions for your client?</p> <p>18 MS. JOHNSTON: I do.</p> <p>19 REDIRECT EXAMINATION</p> <p>20 BY MS. JOHNSTON:</p> <p>21 Q. Ms. Pfau, why didn't you report some of</p> <p>22 these incidents that we have talked about today?</p> <p>23 A. I did not think that it would really</p> <p>24 make a difference.</p> <p>25 I had -- I had talked to people</p>	<p style="text-align: right;">Page 28</p> <p>1 A. I guess because of my previous</p> <p>2 experiences, it did not seem to make a</p> <p>3 difference. The fact that I reported that I had</p> <p>4 a concern and I talked with my supervisor's</p> <p>5 supervisor, it really did not make much</p> <p>6 difference.</p> <p>7 Q. Okay.</p> <p>8 A. If anything, it made it worse.</p> <p>9 Q. In your experience, dealing with the</p> <p>10 company over the seven years that you were</p> <p>11 employed there, if you had an immediate concern</p> <p>12 for your physical safety, would contacting HR</p> <p>13 that wasn't local, or outside the state, I mean,</p> <p>14 would they have been able to protect you, in your</p> <p>15 mind?</p> <p>16 A. No.</p> <p>17 MS. ALIZADEH-FARD: Any other</p> <p>18 questions, Ms. Johnston?</p> <p>19 MS. JOHNSTON: I'm just looking at my</p> <p>20 notes.</p> <p>21 I have no further questions.</p> <p>22 MS. ALIZADEH-FARD: Ms. Pfau, what were</p> <p>23 the nature of the -- the things that you reported</p> <p>24 regarding the prior supervisor?</p> <p>25 MS. PFAU: The first thing that I</p>
<p style="text-align: right;">Page 27</p> <p>1 regarding other incidences and I didn't feel that</p> <p>2 it made a whole lot of difference.</p> <p>3 Q. So before Mr. Coulter got there, you</p> <p>4 had a different general manager, correct?</p> <p>5 A. Yes.</p> <p>6 Q. And did you make some complaints</p> <p>7 outside of your location about that -- that</p> <p>8 supervisor?</p> <p>9 A. Yes.</p> <p>10 Q. And were those concerns that you had</p> <p>11 resolved by the company?</p> <p>12 A. The initial complaint that I brought to</p> <p>13 the previous GM's supervisor -- so the previous</p> <p>14 GM at that time reported to Chuck Thomas, and I</p> <p>15 did speak with Mr. Thomas to tell him what my</p> <p>16 concerns were.</p> <p>17 And do you want me to tell you</p> <p>18 specifically what that was?</p> <p>19 Q. Well, what I would like to know is --</p> <p>20 well, what I need to know is your -- why you</p> <p>21 believe that if you reported in this instance, in</p> <p>22 the instance that we're talking about with</p> <p>23 Mr. Coulter, why you believe that reporting that</p> <p>24 would not make a difference. So I need to know</p> <p>25 what happened that led you to that belief.</p>	<p style="text-align: right;">Page 29</p> <p>1 reported was when -- when this person came and</p> <p>2 first became my supervisor, she was telling</p> <p>3 everyone in the office that I made too much money</p> <p>4 and that she wasn't happy about that and that she</p> <p>5 couldn't believe that's how much I made and -- it</p> <p>6 was just everybody -- it was just something that</p> <p>7 made me extremely uncomfortable.</p> <p>8 I asked her not to do it and she would</p> <p>9 just make light of it. She brought it up</p> <p>10 endlessly, so I finally talked to her supervisor.</p> <p>11 And, of course, she told me how very</p> <p>12 sorry she was. We had a meeting, the three of</p> <p>13 us. She was very sorry, she wouldn't do that</p> <p>14 anymore. She no longer did that in front of me.</p> <p>15 But did she still do that? Absolutely. So I --</p> <p>16 I just felt there --</p> <p>17 MS. ALIZADEH-FARD: So did you -- did</p> <p>18 you report she was still doing that?</p> <p>19 MS. PFAU: No, because in my -- my</p> <p>20 feeling was it made our relationship worse, and I</p> <p>21 didn't want that -- I didn't want it to be any</p> <p>22 worse than it already was.</p> <p>23 MS. ALIZADEH-FARD: All right.</p> <p>24 Anything else? Anything else, Ms. Johnston?</p> <p>25 MS. JOHNSTON: No.</p>

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<p style="text-align: right;">Page 30</p> <p>1 MS. ALIZADEH-FARD: Ms. Strong, any 2 other questions for Ms. Pfau regarding the 3 additional testimony?</p> <p>4 MS. STRONG: No. Thank you.</p> <p>5 MS. ALIZADEH-FARD: All right. Then, 6 Ms. Strong, you may present the employer's case 7 now.</p> <p>8 MS. STRONG: Okay. I actually -- 9 (Buzzing sound.)</p> <p>10 MS. STRONG: -- that's my phone or --</p> <p>11 MS. ALIZADEH-FARD: I'm sorry. Are you 12 still there, Ms. Strong? Ms. Strong? Maybe her 13 phone's cutting out.</p> <p>14 MS. STRONG: I'm still here. Can you 15 guys hear me?</p> <p>16 MS. ALIZADEH-FARD: Yes, we can hear 17 you.</p> <p>18 MS. STRONG: I don't know what that 19 noise was. I apologize. I don't think it was my 20 phone, but it's possible.</p> <p>21 What I would like to do first is, if 22 appropriate, is to ask Mark Coulter to serve as a 23 witness to discuss --</p> <p>24 MS. ALIZADEH-FARD: Yes, you may call 25 him as your witness and you may question him as a</p>	<p style="text-align: right;">Page 32</p> <p>1 which was -- she was -- Ms. Strong, which was on 2 her way to the office to -- for a visit. She was 3 just coming that day for a visit. And mentioned 4 to her what had happened.</p> <p>5 And that at this time Patty had shared 6 with me the notice, she handed me the notice and 7 said, "This is not up for discussion." I took 8 the notice and notified Jennifer about it. Then 9 she notified me that she had gotten an e-mail, as 10 well as Lisa Failing, in charge of HR, about the 11 same information.</p> <p>12 And that's when Jennifer came in and -- 13 and tried to make contact with Patty in order to 14 resolve or talk about the situation. At that 15 point, I had no further contact nor was I allowed 16 to --</p> <p>17 MS. ALIZADEH-FARD: I'm sorry. I think 18 -- Ms. Johnston, did you say -- did I hear 19 something else?</p> <p>20 MS. JOHNSTON: No, I didn't say 21 anything.</p> <p>22 MS. ALIZADEH-FARD: Okay. I'm sorry. 23 All right. You may continue,</p> <p>24 Mr. Coulter.</p> <p>25 MR. COULTER: I was just saying that at</p>
<p style="text-align: right;">Page 31</p> <p>1 witness.</p> <p>2 MS. STRONG: Okay. So I would like to 3 call Mark.</p> <p>4 MS. ALIZADEH-FARD: Well, when you call 5 your own witnesses, you may instruct your witness 6 to give narrative testimony and then follow up 7 with questions or you may proceed directly with 8 questions.</p> <p>9 You may not ask your own witness 10 leading questions, which means you may not make 11 statements and ask your witness to agree or 12 disagree.</p> <p>13 MS. STRONG: Okay.</p> <p>14 MARK COULTER TESTIFIES:</p> <p>15 DIRECT EXAMINATION</p> <p>16 BY MS. STRONG:</p> <p>17 Q. Mark, I would like for you just to share what efforts that you made following the conversation on the 11th to resolve the matter with Patty.</p> <p>18 A. On the 11th, when I had the initial 19 response to the comment that was made and I 20 stated that I needed to leave, I got up and left 21 out of the office and went out to my car for 20 22 minutes, came back in and notified Jennifer,</p>	<p style="text-align: right;">Page 33</p> <p>1 that point I was not allowed to or invited to 2 have any further contact with Patty in regards to 3 anything about this incident.</p> <p>4 Q. (By Ms. Strong) Okay. Thank you.</p> <p>5 MS. STRONG: And if I may, because at 6 that point is when I arrived at the office, if I 7 may, I would like to just --</p> <p>8 MS. ALIZADEH-FARD: You cannot make 9 statements. You are cross examining Mr. -- you 10 are direct examining Mr. Coulter, so you may ask 11 him for his testimony. And once you have 12 finished, then he will be available for 13 cross-examination.</p> <p>14 Now, after we finish with him as a 15 witness, then you may present your own testimony.</p> <p>16 MS. STRONG: Okay. Well, I have no 17 further questions for -- for Mark.</p> <p>18 MS. ALIZADEH-FARD: All right, 19 Ms. Johnston, do you have any questions for 20 Mr. Coulter?</p> <p>21 MS. JOHNSTON: Yes.</p> <p>22 CROSS-EXAMINATION</p> <p>23 BY MS. JOHNSTON:</p> <p>24 Q. Mr. Coulter, you heard Ms. Pfau's testimony about the altercation that occurred on</p>

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<p style="text-align: right;">Page 34</p> <p>1 September 11th, correct?</p> <p>2 A. Correct.</p> <p>3 Q. And did you disagree with her testimony</p> <p>4 regarding what was said by you?</p> <p>5 A. Regarding the September 11th event, I</p> <p>6 do not disagree with what was said by me. The --</p> <p>7 the way that I reacted, no.</p> <p>8 Q. Why did you react in that manner to</p> <p>9 her?</p> <p>10 A. At the point of our discussion that we</p> <p>11 were having prior to this event where we were</p> <p>12 talking about the black and white and the gray of</p> <p>13 an office building -- or of people in the office,</p> <p>14 where I was admitting that I was a gray person,</p> <p>15 that I look at opportunities differently, I -- I</p> <p>16 don't always look at it just strictly as black</p> <p>17 and white, that it's exactly a certain way,</p> <p>18 although I was agreeing with both her and my</p> <p>19 other office person that when we are doing</p> <p>20 certain things, I have to be more of a black and</p> <p>21 white person and I have to go strictly by what</p> <p>22 the guidelines are. So I did say at that point</p> <p>23 that I -- I was in those two areas.</p> <p>24 So when we got done having those</p> <p>25 conversations is when -- we were getting ready to</p>	<p style="text-align: right;">Page 36</p> <p>1 accommodation.</p> <p>2 Q. Do you recall Ms. Pfau's testimony</p> <p>3 about the newly-hired employee in the warehouse</p> <p>4 in May of 2014, that she reported to you</p> <p>5 comments that a driver made about that individual</p> <p>6 not being able to read?</p> <p>7 A. Yes.</p> <p>8 Q. And did you agree with Ms. Pfau's</p> <p>9 recounting of those events?</p> <p>10 A. I agree with the fact that it was</p> <p>11 brought to my attention that this was said. I</p> <p>12 did investigate it.</p> <p>13 I don't agree with the fact that I</p> <p>14 said, "What do you want me to do about it?" In</p> <p>15 the contents of what was being said, when she</p> <p>16 came to me, she said she didn't want them to know</p> <p>17 that she said it. And then I said, "Okay. What</p> <p>18 do you want me to do about it?" I didn't say,</p> <p>19 "What do you want me to do about it?" There was</p> <p>20 a difference in that context.</p> <p>21 So the point I'm making is, yes, we did</p> <p>22 have a circumstance where it was stated by</p> <p>23 another employee about this new driver. I did</p> <p>24 investigate it. I did have a meeting with the</p> <p>25 drivers and we did address that and correct it</p>
<p style="text-align: right;">Page 35</p> <p>1 leave the office. We -- we had finished the</p> <p>2 conversation. Her and the other employee were</p> <p>3 getting ready to leave the office. And she</p> <p>4 turned around and at that point made reference to</p> <p>5 the fact of me giving out paychecks. I said, no,</p> <p>6 paycheck payday is Friday.</p> <p>7 And then she turned around at me and</p> <p>8 said, "Well, what about Wade?" And I said -- I</p> <p>9 guess at that point I just took it that I was</p> <p>10 being attacked. I took it that I was being</p> <p>11 challenged at everything that I do and I lost my</p> <p>12 cool.</p> <p>13 I will not disagree that at that</p> <p>14 particular point I lost my cool, slammed my fist</p> <p>15 on the desk. I said, "You fucking crossed the</p> <p>16 line." And I said, "I have to leave, I can't</p> <p>17 deal with this."</p> <p>18 I got up, I walked out of the office</p> <p>19 and I removed myself so that I could go calm down</p> <p>20 about the confrontation.</p> <p>21 Q. Who is Wade?</p> <p>22 A. Wade was the other employee that I gave</p> <p>23 the paycheck to two days prior to that because of</p> <p>24 a family issue that he had that he asked if he</p> <p>25 could get his paycheck early. I made a special</p>	<p style="text-align: right;">Page 37</p> <p>1 accordingly. It had nothing to do with her at</p> <p>2 that point because it was between me, the drivers</p> <p>3 and the warehouse manager.</p> <p>4 Q. And in early September of 2014,</p> <p>5 Ms. Pfau testified earlier about an employee who</p> <p>6 was a little bit older who had been with the</p> <p>7 company for a long time who submitted his</p> <p>8 resignation. Do you recall that testimony?</p> <p>9 A. I do recall the testimony in regards to</p> <p>10 the employee that was an older gentleman. He had</p> <p>11 been working with the company for -- with the</p> <p>12 school district for several years.</p> <p>13 Over that period of time, he had</p> <p>14 deteriorated to the point that he was not able to</p> <p>15 do the job functions, although we did give him</p> <p>16 ample opportunity to perform the tasks. We gave</p> <p>17 him many different job schedules and duty lists</p> <p>18 and worked with him in many different fashions to</p> <p>19 make it work.</p> <p>20 It was his decision to terminate his</p> <p>21 employment, not mine. He came to me that day and</p> <p>22 said, "I can't do this anymore." So when he came</p> <p>23 to me and said, "I can't do this anymore," I was</p> <p>24 merely honoring his request. At no point did I</p> <p>25 encourage him, nor coerce him to quit.</p>

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<p style="text-align: right;">Page 38</p> <p>1 I actually, at the point prior to that 2 had talked him out of quitting several times 3 saying we would work together and -- and come up 4 with something. But he decided and chose that it 5 was too much work for him.</p> <p>6 Q. Do you deny that you made the statement 7 that whoever hired him should be shot?</p> <p>8 A. Yeah. I didn't make that statement at 9 all, no. I deny that, yes.</p> <p>10 And as far as me not allowing her to 11 hire older people or making comments about hiring 12 older people, she did all the hiring. I mean, I 13 trusted her with all my hiring. I did not 14 question the hiring of any individuals unless 15 there was certain situations of her coming to me 16 asking do you think this might work or won't 17 work. My comment was always, "I'm not always the 18 best judge about who we should hire either."</p> <p>19 Q. Are you saying today that you never had 20 a conversation with Ms. Pfau about how she should 21 be cautious about the individuals that she was 22 hiring because some of them couldn't physically 23 perform the job?</p> <p>24 A. No, I did not say that.</p> <p>25 Q. Any words to that effect?</p>	<p style="text-align: right;">Page 40</p> <p>1 office. 2 MS. ALIZADEH-FARD: All right. Now, 3 what -- how long had the conversation been going 4 on when you -- when you said that about -- 5 MR. COULTER: Prior to that? 6 MS. ALIZADEH-FARD: Yes. 7 MR. COULTER: I would say 30 to 40 8 minutes. 9 MS. ALIZADEH-FARD: You had been 10 talking about handing out a check for 45 minutes? 11 MR. COULTER: No, no. We had been 12 talking about other things in the office, the 13 black and white, the gray, and it was all stemmed 14 around how I was allowing employees to start 15 working without having their -- their -- their 16 health card permits prior to them coming in and 17 it makes it hard for Patty and Tony to get their 18 health card permits after the fact. 19 So we were talking about the fact that 20 I was gonna go back to making it black and white 21 and just doing -- making sure they get everything 22 before they start working. So we were having a 23 back and -- a conversation in regards to all that 24 information for about 30 to 45 minutes. 25 As far as the issue about the paycheck,</p>
<p style="text-align: right;">Page 39</p> <p>1 A. No.</p> <p>2 Q. How tall are you, Mr. Coulter?</p> <p>3 A. I would say 5'9", 5'10", maybe.</p> <p>4 Q. In your employment with Sodexo, have 5 you ever been counseled about losing your temper 6 with employees?</p> <p>7 A. No.</p> <p>8 Q. Did you receive any sort of counseling 9 after the incident with Ms. Pfau on 10 September 11th, 2000 --</p> <p>11 A. Yes, yes.</p> <p>12 MS. JOHNSTON: Just checking my notes. 13 I have no further questions.</p> <p>14 MS. ALIZADEH-FARD: All right.</p> <p>15 Ms. Strong, any other questions you would like to 16 ask Mr. Coulter?</p> <p>17 MS. STRONG: No, thank you.</p> <p>18 MS. ALIZADEH-FARD: All right.</p> <p>19 Mr. Coulter, when -- going back to the outburst 20 that you described, did you stand up?</p> <p>21 MR. COULTER: Not at first, no. I was 22 sitting at my desk. I slammed my fist on the 23 desk. I said, "You fucking crossed the line." 24 And then I stood up and said, "I've got to get 25 out of here," and walked directly out of the</p>	<p style="text-align: right;">Page 41</p> <p>1 that was immediate. 2 MS. ALIZADEH-FARD: How did that come 3 into it? 4 MR. COULTER: The paycheck? 5 MS. ALIZADEH-FARD: Yes. 6 MR. COULTER: Because as we got done 7 having the conversation about everything else, 8 they were getting ready to leave and Patty turned 9 around to me and said, "Are you going to give 10 so-and-so her paycheck?" It was immediate, right 11 then. And I said, "No, payday is Friday -- or 12 why would we give it now when payday is on 13 Friday?" And she said, "Well, you gave it to 14 Wade." 15 And that was when I -- I lost my cool. 16 I did lose my cool at that point because I felt 17 like she -- we went -- we just got through 18 talking about all the black and white and gray 19 and how I was willing to conform to following the 20 rules and doing it the way that they have always 21 done it, and then she turned around and I felt 22 attacked that she said that to me at that point. 23 I mean, it just hit me wrong and I 24 slammed my fist on the desk and said what I said. 25 MS. ALIZADEH-FARD: All right.</p>

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<p style="text-align: right;">Page 42</p> <p>1 Anything else?</p> <p>2 Ms. Strong, any other questions for</p> <p>3 Mr. Coulter?</p> <p>4 MS. STRONG: No.</p> <p>5 MS. ALIZADEH-FARD: Ms. Johnston, any</p> <p>6 other questions for Mr. Coulter?</p> <p>7 MS. JOHNSTON: Yes, I just want to</p> <p>8 clarify something.</p> <p>9 RECROSS EXAMINATION</p> <p>10 BY MS. JOHNSTON:</p> <p>11 Q. Mr. Coulter, so I want to make sure</p> <p>12 that I understand your testimony. You -- with</p> <p>13 the conversation that you and Ms. Pfau and the</p> <p>14 other coworker were having prior to this incident</p> <p>15 where you lost control was about workers being</p> <p>16 allowed to go to work without their health card</p> <p>17 or --</p> <p>18 A. Yeah, food handler's card.</p> <p>19 Q. Their food handler's card?</p> <p>20 So these workers are people who are</p> <p>21 cafeteria workers for Norman Public Schools,</p> <p>22 correct?</p> <p>23 A. They work for Sodexo, but, yeah, for</p> <p>24 Norman Public Schools, yeah.</p> <p>25 Q. They're Sodexo employees who are</p>	<p style="text-align: right;">Page 44</p> <p>1 MS. JOHNSTON: Okay. I have no further</p> <p>2 questions.</p> <p>3 MS. ALIZADEH-FARD: All right.</p> <p>4 Ms. Strong, anything else for Mr. Coulter?</p> <p>5 MS. STRONG: No.</p> <p>6 MS. ALIZADEH-FARD: And, Ms. Strong,</p> <p>7 you may present your testimony now.</p> <p>8 MS. STRONG: Okay. And I'm just going</p> <p>9 to share some narrative, if that is all right, as</p> <p>10 far as when I arrived following this incident.</p> <p>11 MS. ALIZADEH-FARD: I'm sorry.</p> <p>12 Ms. Strong, what?</p> <p>13 MS. STRONG: I'm just going to provide</p> <p>14 narrative around my involvement in it once I</p> <p>15 arrived after the incident occurred. Is that</p> <p>16 okay -- process?</p> <p>17 MS. ALIZADEH-FARD: All right.</p> <p>18 MS. STRONG: So I had a regular visit</p> <p>19 scheduled to this unit and arrived shortly after</p> <p>20 this had all taken place, and had actually</p> <p>21 received Patty's e-mail resignation as I was</p> <p>22 parking in the parking lot.</p> <p>23 Typically, I would not be walking into</p> <p>24 an employee matter quite -- quite so quickly. It</p> <p>25 would have taken a little bit more time for me to</p>
<p style="text-align: right;">Page 43</p> <p>1 serving food in Norman Public Schools?</p> <p>2 A. Correct.</p> <p>3 Q. Okay. So the conversation that you</p> <p>4 were having, was it Ms. Pfau who was saying that</p> <p>5 it was difficult to get those cards before -- or</p> <p>6 after they had been put to work?</p> <p>7 A. Ms. Pfau wasn't saying that the cards</p> <p>8 were difficult. It was more the other employee,</p> <p>9 Tony, that deals with the cards.</p> <p>10 Ms. Pfau was referring to other</p> <p>11 paperwork and things that need to be done. There</p> <p>12 was two employees that we were in a pinch needing</p> <p>13 help and I said, "Well, we have got everything</p> <p>14 except for their card," and I think it was one</p> <p>15 other -- I don't even remember what it was. But</p> <p>16 I had said, "Since we need the help, let's go</p> <p>17 ahead and let them start working and then we'll</p> <p>18 get the card afterwards." And I did make the</p> <p>19 comment at that time that if we don't get the</p> <p>20 cards in time or we don't, you know, get this</p> <p>21 done before the Health Department would find out</p> <p>22 that the card wasn't there, that I would take</p> <p>23 responsibility for it. I think that's where her</p> <p>24 comment came from that I would take</p> <p>25 responsibility.</p>	<p style="text-align: right;">Page 45</p> <p>1 be notified.</p> <p>2 But I walked in, received her</p> <p>3 resignation -- and received a printout copy of</p> <p>4 her resignation. And then immediately got Mark's</p> <p>5 side of the story of what had taken place,</p> <p>6 received a statement from him, and then chose to</p> <p>7 go visit with Patty to get her -- her side of</p> <p>8 what had taken place, which is a typical part of</p> <p>9 my investigation.</p> <p>10 In visiting with Patty, she did -- she</p> <p>11 recapped the scenario similar to what she</p> <p>12 provided in her testimony today, but I did ask</p> <p>13 some specific questions of her on that day asking</p> <p>14 if she had ever seen him lose his temper before,</p> <p>15 and she said that she had raised -- seen him</p> <p>16 raise his voice but she's never been a part of</p> <p>17 it.</p> <p>18 I specifically said, "Is this ever</p> <p>19 anything that you have seen as far as being a</p> <p>20 pattern?" She stated, "No, it's not a pattern</p> <p>21 behavior."</p> <p>22 And so as we continued talking through</p> <p>23 it, I shared with her that the normal next steps</p> <p>24 would be for us all to come together, talk</p> <p>25 through it and come to a resolution. And she</p>

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<p style="text-align: right;">Page 46</p> <p>1 refused to meet with him, she refused to meet 2 with him with me in the room, HR in the room, 3 anybody else was not satisfactory.</p> <p>4 I then asked her if she would write up 5 a statement so that I -- in her words what took 6 place rather than me just taking the notes, and 7 she refused to do that as well.</p> <p>8 I then left and went and visited with 9 the other employee who was witness to the 10 conversation. And the -- she could -- she could 11 not speak specifically to the words that he used 12 as far as the profanity and things. She just 13 stated that he reacted with anger, were her 14 words.</p> <p>15 But she did share with -- I 16 specifically asked her if she ever felt that her 17 physical safety was a concern and she stated no.</p> <p>18 I then reached out to our corporate 19 human resources representative, visited with them 20 over the phone to find out next steps. And 21 because Patty was not willing to sit down and 22 have any kind of mediation, we made the decision 23 to accept her resignation. Rather than accepting 24 the two weeks, we had -- we accepted her 25 resignation immediately because she did share</p>	<p style="text-align: right;">Page 48</p> <p>1 Ms. Johnston, any questions for Ms. Strong?</p> <p>2 MS. JOHNSTON: Yes.</p> <p>3 When did she tell you that Mark was</p> <p>4 going to be a great fit and she was happy for him 5 to be there?</p> <p>6 MS. STRONG: I would not have had the 7 exact date. I would have to look back in my 8 notes to find the unit visit that I would have 9 visited with. But it would have been shortly 10 after him arriving, so probably in the fall of 11 2013.</p> <p>12 MS. JOHNSTON: In the course of the 13 investigation that you were doing, and other than 14 talking to the witness who was present during the 15 September 11th altercation, did you speak with 16 any of Mark's prior employees to find out if they 17 had any concerns about their safety?</p> <p>18 MS. STRONG: No, it wasn't relevant at 19 the time. I was only dealing with the issue that 20 we had. And because Patty herself had stated 21 there was not a pattern of behavior, I didn't 22 feel it was necessary to bring other employees 23 into the matter.</p> <p>24 MS. JOHNSTON: I'm just looking at my 25 notes.</p>
<p style="text-align: right;">Page 47</p> <p>1 that in no way would she take instructions or be 2 supervised by him during the next two weeks.</p> <p>3 And as we discussed, he is the senior 4 person within the unit, so there was nobody else 5 that I could have oversee her on a day-to-day 6 basis for the next two weeks. So we took her 7 resignation immediately.</p> <p>8 I do want to emphasize that she did 9 mention that there was no pattern to his 10 behavior. She also, as she indicated, was very 11 aware of Sodexo's promise of respect and fair 12 treatment and the processes.</p> <p>13 The previous supervisors that she had 14 worked with were not the ones that she would have 15 worked with now. It would have been me rather 16 than Chuck Thomas, and at no point did she choose 17 to reach out to me prior -- rather, during a 18 routine visit, as I make a point every time to 19 pop my head in and say hello, at no point did she 20 ever bring her concerns up. As a matter of fact, 21 shared with me that she felt Mark was going to be 22 an outstanding fit for Norman and was very happy 23 to have him there.</p> <p>24 And that is all I have to share.</p> <p>25 MS. ALIZADEH-FARD: All right.</p>	<p style="text-align: right;">Page 49</p> <p>1 I have no further questions.</p> <p>2 MS. ALIZADEH-FARD: All right.</p> <p>3 Ms. Strong, anything else?</p> <p>4 MS. STRONG: No, thank you.</p> <p>5 MS. ALIZADEH-FARD: Ms. Johnston, 6 anything else on behalf of Ms. Pfau?</p> <p>7 MS. JOHNSTON: I do have some closing 8 remarks.</p> <p>9 MS. ALIZADEH-FARD: All right. Go 10 ahead.</p> <p>11 MS. JOHNSTON: Okay. You know, whether 12 or not Ms. Pfau left her employment voluntarily 13 for good cause centers around what Ms. Pfau's 14 state of mind was at the time that this happened 15 and what her concerns were.</p> <p>16 She had made some complaints to other 17 management that had not been resolved in her 18 history with the employer. She was talking to 19 Mr. Coulter about some concerns that she had and 20 receiving some pushback today, based on the 21 testimony.</p> <p>22 She also, it sounds like, was having 23 conversations with him about being black and 24 white, you know, between following the policies, 25 not only the policies of Sodexo, but also, you</p>

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<p>1 know, Health Department requirements for 2 employees to have their food handler's card when 3 they go to work for him.</p> <p>4 So, you know, whatever his mindset may 5 have been at the time that he had this violent 6 outburst, he had that. And given her size and 7 stature and the nature of the office environment 8 there, it was her belief that she could not 9 continue to work there because of that, because 10 of her personal safety and because of the prior 11 issues that she had had.</p> <p>12 I think it's ridiculous to suggest that 13 one of her, you know, recourses for escaping a 14 violent situation is to run away. You know, if 15 she even had that inkling of physical violence in 16 her mind, you know, I don't think that as -- the 17 law requires an employee stay for that and not 18 get benefits.</p> <p>19 So it -- in closing, the evidence that 20 was presented today was that Ms. Pfau did have 21 good cause to voluntarily resign from her 22 employment.</p> <p>23 MS. ALIZADEH-FARD: All right. And 24 Ms. Strong, would the employer like to make a 25 closing statement?</p>	<p>1 calendar days from the day my decision is mailed. 2 Do you have any questions for me, 3 Ms. Johnston?</p> <p>4 MS. JOHNSTON: No.</p> <p>5 MS. ALIZADEH-FARD: Ms. Strong, any 6 questions?</p> <p>7 MS. STRONG: No.</p> <p>8 MS. ALIZADEH-FARD: All right. Then I 9 do thank you all for appearing today and we are 10 adjourned.</p> <p>11 (Recording concluded.)</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
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<p>1 MS. STRONG: I would just like to 2 emphasize the fact that Sodexo has -- takes great 3 pride in our employees and we value each and 4 every one. We do understand that there are going 5 to be times where there are disagreements or 6 occasions that arise within the workplace between 7 peer to peer or peer to supervisor, that, when 8 you're dealing with humans, is not necessarily 9 handled the way that we would do it if we had it 10 to do over again, but that in order to be able to 11 resolve it and address it properly we have got to 12 have an opportunity to, in fact, meet with the 13 employee, have the mediation and work through the 14 process. And at no point was this even given.</p> <p>15 It was an immediate resignation with no 16 willingness to work through the process. And we 17 would have loved to have been able to salvage the 18 relationship and was just simply unable to be 19 given the opportunity.</p> <p>20 MS. ALIZADEH-FARD: All right. I'm 21 going to close the record now.</p> <p>22 I will be issuing my decision to both 23 parties in 10 to 14 days. If either side is 24 dissatisfied with my decision, you do have a 25 right to appeal to the Board of Review within ten</p>	

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1 REPORTER'S CERTIFICATION

2

3 I, Emily Eakle, Registered Merit Reporter
4 within and for the State of Oklahoma, certify
5 that the Recording was taken in shorthand and
6 thereafter transcribed to the best of my ability;
7 that it is true and correct; and that I am not
8 attorney for nor relative of any of said parties
9 nor otherwise interested in the event of said
10 action.

11 IN WITNESS WHEREOF, I have hereunto set my
12 hand and official seal this 29th day of December,
13 2014.

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18 EMILY EAKLE, CSR, RPR, RMR, CRR
Oklahoma CSR No. 01701
Expiration Date: 12/2015

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